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Reception Conditions of Asylum Seekers

A. Application for Asylum.

Upon arrival in Cyprus to seek protection (Asylum) the asylum seeker should visit the nearest District Immigration Office as soon as possible, without any unjustified delay, and ask to submit an application for asylum.

Comments:

1. Despite the improvement of access to asylum procedures, the Cypriot Authorities practice on the following two issues still restricts access to asylum procedures which some times result in refoulement of Refugees:
 - the regular treatment of mixed migratory flows as «illegal immigrants» which leads to their deportation, and
 - the regular psychological pressure that Asylum Seekers who remain for some reason in detention are exposed to, in order to “consent” to their “voluntary” repatriation.
2. Moreover the following problems are still persists regarding access to the procedure:
 - Usually the police doesn’t hand out the Information leaflet in a language understood by them foreseen by the Law
 - In a number of cases asylum seekers are not given immediate access to the procedure
 - In very rare occasions asylum seekers are arrested and deported instead of given access to the Asylum procedure

B. Residence Permit

Upon the submission of an application for asylum, the asylum seeker should submit an application for a temporary Residence Permit. The Confirmation of Submission of Application for Refugee Status (“confirmation letter”) is a substitute for the Residence Permit until the asylum seeker receives a Residence Permit (pink slip).

Comments:

1. The Immigration Police sometimes blackmails asylum seekers that they will not allow them to apply for resident permits if they don’t provide them with their documents.
2. The Resident permits are send by post sometimes 8 months later, when they are already expired.
3. In certain cases (particular with persons with muslim background) valid resident permits are not send at all as a tool to deprive them from the rights to reception conditions provided under the Refugee Law.

C. Medical Examinations

Upon the submission of an application for asylum, the asylum seeker has to undergo certain medical examinations. Medical examinations are carried out at all public hospitals for free, or with payment at any private hospital or lab.

Comment:

1. The Immigration Officers always ask for the results of these medical examinations in order to give to the asylum seeker his or her Alien Registration Certificate (“alien book”) despite the fact that according to the Refugee Law, the results are strictly confidential. According to the Law in the event that they are positive, the hospital can only give them to the Asylum Service with the written consent of the asylum seeker, in a sealed envelope.

D. Change of Residential Address

Upon the submission of an application for asylum or at any stage after that, the asylum seeker is obliged to inform the authorities of any changes of his or her residential address. Failure to do so as soon as possible leads to the closure of the file of the asylum seeker irrespective if the merits of his/her asylum claim are examined.

Comment:

1. Failure of the system to register the asylum seeker’s new address even if this was immediately reported to the Immigration Police by the asylum seeker.
2. Asylum seekers must spend sometimes, especially in Paphos District, days to be able to register the change of their address
3. Closure of the file may lead, and has led in certain cases, to the deportation of asylum seekers without examination of the substance of the claim thus amounting to refoulement.

E. Welfare Benefits

Upon the submission of an application for asylum, the asylum seeker has the right to public assistance in order to cover the material reception conditions as provided by the regulations and which are the same as in the ones provided in Directive 2003/9/EC. For the first six months asylum seekers do not have any access to the labour market. Upon the submission of the application for welfare, the asylum seeker has the right to an immediate cash payment if he or she doesn’t have enough money to cover very immediate needs (housing, nutrition, etc.) until his or her application is examined.

Comment:

1. They hardly ever get any cash payment upon the submission of the application
2. There is a serious delay in the examination of the applications for welfare benefits (3-6 months).
3. Asylum seekers are not compensated for the whole amount of their monthly rent payment.
4. The monthly payment system for Asylum seekers is different than that applied to Cypriot beneficiaries (not on a payroll basis) resulting in delayed payments
5. Asylum seekers with special needs are not given the additional handicapped subsidies for special needs provided for by the law and they are usually not granted the special payments for Christmas and Eastern time as those are granted to Cypriots.
6. Asylum seekers are often «encouraged» by the welfare services to take up unregistered employment

7. Asylum seekers in full time employment are not paid supplementary benefits even if the income from their work, in case of families, doesn't exceed 30% of the amount foreseen by the public assistance Law as the minimum amount for the particular person/family to secure a dignified standard of living.

F. Housing

Upon the submission of an application for asylum, the government of Cyprus has, according to the Refugee Regulations (Conditions of Reception of Asylum-seekers) of 2005, the obligation to provide the asylum seeker with housing throughout the period that his or her application for asylum is being processed and examined by the relevant Authorities (Asylum Services and Review Authority).

Comment:

1. The government of Cyprus has neither an efficient policy nor an official body responsible for the implementation of this obligation to which an asylum seeker can be referred in order to find accommodation.
2. Officially the government of Cyprus declares that the housing rights of asylum seekers are guaranteed, since asylum seekers can get a "rent supplement" through their welfare benefits. In reality, the vast majority of asylum seekers face tremendous difficulties in securing either the welfare benefit or adequate accommodation (only 300 – 500 cases out of the 10, 000 asylum seekers get at the moment welfare benefits).
3. According to the policy of the Cypriot government, single women and families can be referred to the Kofinou Reception Centre. Due to the difficulties prevailing with regard to accommodation to the Centre the majority of the people turn down an offer to move to Kofinou, without knowing that this will be used by the Welfare Office to reject their application for welfare benefits.
4. In the event that the Authorities do not refer an asylum seeker to the Kofinou Reception Centre, he or she has to find accommodation by him or herself and then apply for a rent supplement within his or her welfare application. In practice, this has become more and more difficult for a number of reasons:
 - a. Firstly, the Welfare Services will approve the rent benefit only if the asylum seeker can provide the services with a valid copy of the officially stamped lease agreement, as well as a copy of the receipt of the last payment of rent. This is very difficult for the majority of asylum seekers as they usually don't have enough money to make this payment in advance or because they may not have a lease agreement on their name as more often than not they share an accommodation with other asylum seekers.
 - b. The second reason is that in reality it has become more and more difficult to find proper accommodation since property owners and dealers are increasingly unwilling to accommodate asylum seekers due to racist and discriminatory attitudes.
 - c. The third reason is that the majority of the property owners and dealers are not willing to provide them with a valid, officially stamped lease agreement, as they are often avoiding tax.

G. Employment

The Cypriot Government does not allow Asylum Seekers to take up employment for the first six months as from the submission of the asylum application. After the first six months Asylum Seekers have access only to jobs in the Farming and Agriculture Sector.

Comments:

1. This policy is not in accordance with the provisions of Article 11 of the 2005 Regulations, as it ultimately results in the exclusion of asylum seekers from the labour market, even after the initial 6 month period.
2. A report by the office of the Ombudsman (21.12.2007) considers the decision of the Government to limit the employment of Asylum seekers in the Farming and Agriculture Sector as unlawful, and calls on the government to revise it.
3. A second report by the office of the Ombudsman (21.12.2007) considers the collective agreement between the trade unions and the employers for this sector as a violation of the anti-discrimination legislation.

H. Healthcare

An asylum seeker has free and full access to the Health Services. In order to access these rights she or he needs a medical card which can be acquired by submitting an application, either at the Ministry of Health or at the General Hospital of the city she or he resides.

The application for medical card must be accompanied by a copy of the Confirmation of Submission of Application for Refugee Status and a copy of the Alien Registration Certificate (“alien book”), if issued.

Comments:

1. The Ministry of Health in the event the asylum seeker does not receive a welfare benefit (these are the majority of the cases), which according to their rules is a presumption that the persons concerned does not have the means of subsistence, does not provide the medical card even if the asylum seekers is not able to provide proof for any income.

I. Education

Children under 18 years who are asylum seekers or members of a family of asylum seekers have free and full access to primary and high school education.

Comment:

1. There is lack of integration or special introductory programmes for minor asylum seekers in public schools.
2. The only integration measure adopted is the provision of Greek language as an extra class which is only provided at primary schools.
3. Children attending secondary schools are normally placed at a grade much lower than their age and they are sitting in the class as observers leading to high rates of dropping out from school.

25 May 2008

KISA Steering Committee